

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

IN RE: LIPITOR (ATORVASTATIN CALCIUM) MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION)	MDL No. 2:14-mn-02502-RMG
)	
This Document Relates to:)	Civil Action No. <u>2:15-cv-2887-RMG</u>
)	
SHIRLEY P. COOK)	SHORT FORM COMPLAINT
Plaintiff,)	JURY TRIAL DEMANDED
)	

PLAINTIFF, SHIRLEY P. COOK'S, SHORT FORM COMPLAINT

Plaintiff files this *Short Form Complaint and Demand for Jury Trial* against Defendant named below by and through the undersigned counsel. Plaintiff incorporates by reference the specific allegations indicated below of Plaintiffs' *Master Long Form Complaint* and Demand for Jury Trial in *In re: Lipitor (Atorvastatin Calcium) Marketing, Sales Practices and Products Liability Litigation*, MDL 2502 in the United States District Court for the District of South Carolina, Charleston Division. Plaintiff files this *Short Form Complaint and Demand for Jury Trial* in accordance with and pursuant to Case Management Order No. 4 by The Honorable Richard M. Gergel.

IDENTIFICATION OF PARTIES

1. Plaintiff herein is:

- × Plaintiff, the Injured Party, Shirley P. Cook, is a resident and citizen of Arkansas.

2. The following entity is made Defendant herein:

- × Pfizer Inc.

VENUE AND JURISDICTION

3. Jurisdiction in this Complaint is based on:

- × Diversity of Citizenship

4. District Court and Division in which you might have otherwise filed absent the direct filing Order entered by this Court: United States District Court, Eastern District of Arkansas, Western (Little Rock) Division.

CASE SPECIFIC FACTS

5. Plaintiff began taking Lipitor® (atorvastatin calcium) as directed and prescribed by her treating physician.

- a. Approximate Dates Plaintiff Started and Stopped taking Lipitor:
Approximately between 2000 and 2009.
- b. State of Ingestion: Arkansas.
- c. Gender: Female
- d. Current Age: 70.

6. Subsequently, Injured Party was diagnosed with Type 2 Diabetes.

- a. Date of Diagnosis with Type 2 Diabetes: On or about late 2012.

b. State of Diagnosis: Arkansas.

7. Plaintiff has suffered severe and permanent physical and emotional injuries including, but not limited to, the development of Type 2 Diabetes as a result of her ingestion of the prescription drug Lipitor® (atorvastatin calcium).

8. As a direct, proximate and foreseeable result of Defendant's actions or inactions, Plaintiff suffered grievous bodily injury and consequently economic and other losses, including but not limited to pain and suffering, emotional distress and loss of enjoyment of life, as described in detail in Plaintiffs' *Master Long Form Complaint and Demand for Jury Trial*.

CAUSES OF ACTION

9. Plaintiff hereby adopts and incorporates by reference, the *Master Long Form Complaint and Demand for Jury Trial* as if set forth fully herein.

10. Furthermore, the following claims and allegations are asserted by Plaintiff and are herein adopted by reference from Plaintiffs' *Master Long Form Complaint*:

- × First Cause of Action
(Negligence)
- × Second Cause of Action
(Negligent Misrepresentation)
- × Third Cause of Action
(Negligent Design)
- × Fourth Cause of Action
(Strict Products Liability-Design Defect/Products Liability-Design Defect)
- × Fifth Cause of Action
(Strict Products Liability-Failure to Warn/ Products Liability-Failure to Warn)
- × Sixth Cause of Action
(Breach of Express Warranty)
- × Seventh Cause of Action

(Breach of Implied Warranties)

- × Eighth Cause of Action
(Fraud and Misrepresentation)
- × Ninth Cause of Action
(Constructive Fraud)
- × Tenth Cause of Action
(Unjust Enrichment)
- × Punitive Damages

11. Plaintiff also pleads the application of the discovery rule, fraudulent concealment, and any other theory that is applicable that tolls, suspends, or defers the statute of limitations.

WHEREFORE, Plaintiff prays for relief and judgment against Defendant as set forth in the *Master Long Form Complaint and Demand for Jury Trial* as appropriate.

JURY DEMAND

Plaintiff hereby demands a trial by jury as to the claims in this action.

Dated: July 23, 2015.

Respectfully submitted,

THE HAYES LAW FIRM, P.C.



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